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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/645,246

08/21/2003

Stephen P. Emeott

CML00832J (79066)

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04/17/2006

EXAMINER

GARY, ERIKA A

MOTOROLA, INC  
INTELLECTUAL PROPERTY SECTION  
LAW DEPT  
8000 WEST SUNRISE BLVD  
FT LAUDERDAL, FL 33322

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 04/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/645,246 | Applicant(s)<br>EMEOTT ET AL. |  |
|                              | Examiner<br>Erika A. Gary     | Art Unit<br>2617              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/21/03, 6/1/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Haddad, US Patent Application Publication Number 2004/0013135 (hereinafter Haddad).

Regarding claims 1, 22, and 27, Haddad discloses a method comprising: at a wireless subscriber unit: switching from a sleep mode of operation to an active mode of operation; receiving a beacon message on a wireless local area network communication resource from an access point; when voice information exists to transmit, determining: a first time when transmissions from the access point during a service interval period will likely conclude; and a second time, subsequent to the first time, to contend for an opportunity to transmit the voice information [paragraphs 0014, 0025, 0029, 0036, 0037].

Regarding claims 2 and 3, Haddad discloses receiving a beacon message comprises receiving the beacon message at a previously scheduled time wherein the beacon message comprises recovering information from the beacon message that

identifies subscriber units to whom the access point will next be transmitting targeted information [paragraphs 0029, 0030, 0034].

Regarding claims 4-8, 11, 12, 15, 29, 30, and 31, Haddad discloses the claimed methods of receiving information from the access point at the estimated times and the disclosed methods for determining the second time [paragraphs 0029, 0039, 0033, 0036, 0041, 0047].

Regarding claims 9 and 10, Haddad discloses receiving information from the access point that can be used by the subscriber unit to at least estimate the first time comprises receiving information that comprises an indication of a quantity of data to be transmitted by the access point during a service interval period [paragraph 0039].

Regarding claim 13, Haddad discloses when the beacon message identifies the subscriber unit as being a subscriber unit to which the access point will transmit voice data: receiving a voice data transmission from the access point during a service interval period that supports the beacon message [paragraph 0034].

Regarding claims 14, 17, and 26, Haddad discloses transmitting an acknowledgment message to the access point subsequent to receiving the voice data transmission [paragraph 0037].

Regarding claims 16, 18-21, and 32, Haddad discloses the claimed methods for switching from an active mode to a sleep mode (idle mode) [paragraph 0036].

Regarding claims 23-25, Haddad discloses wherein transmitting, during the service interval period, data to those subscriber units that were identified in the beacon message comprises transmitting data to those subscriber units in an order that

corresponds to an order in which the subscriber units are identified in the beacon message; wherein preparing a beacon message that identifies those subscriber units for which the access point currently has data to transmit comprises placing those subscriber units into a particular order as a function of at least a first criteria; wherein the first criteria comprises at least one of: a priority level as corresponds to at least some of the subscriber units; recent communications activity of at least some of the subscriber units; a relative size of the data to be transmitted to those subscriber units; and information regarding present power reserves of at least some of the subscriber units [paragraphs 0029, 0030, 0033, 0034].

Regarding claim 28, Haddad discloses wherein the wireless local area network communication resource is compatible with 802.11 [paragraph 0022].

### ***Conclusion***


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erika A. Gary whose telephone number is 571-272-7841. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on 571-272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EAG  
April 12, 2006

  
**ERIKA A. GARY**  
**PRIMARY EXAMINER**